

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 03/22/2005, having a shortened statutory period for response set to expire 06/22/2005, and all references made of record therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant thanks the Office for its forbearance in entering a final rejection.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Specification

The specification stands objected to because it fails to provide antecedent basis for the limitation: "mountings on the side of both frames" as recited in claim 1. This ground of objection is met by amending claim 1 so that it no longer includes that terminology and so that it clearly recites that a first plurality of inter-dentally extensible and retractable screws is adapted to releasably secure the at least one maxillary frame over the maxillary dentitions and a second plurality of inter-dentally extensible and retractable screws is adapted to releasably secure the at least one mandibular frame over the mandibular dentitions. It is not required in view of the prior art to further limit the invention by reciting that the screws extend through mountings that are positioned on a particular side of the frames.

Claim Rejections – 35 U.S.C. § 112

Applicant acknowledges the quotation of the first paragraph of 35 U.S.C. § 112.

Claims 1-34 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because it is not clear as to what the mounting means is in reference to. As currently amended, no mounting means is recited in any claim. Accordingly, reconsideration and withdrawal of said ground of rejection is requested.

Claims 1-25 stand objected to under 35 U.S.C. 112, second paragraph, as being indefinite because in claim 1, it is not clear as to what the "mountings" on one side of the frames is in reference to. This ground of objection is met by amending claim 1 so that it clearly recites the structure of the invention without making reference to any "mounting."

Moreover, it is not clear that there is a plurality of inter-dentally extensible and retractable screws provided in mountings on one side of both frames. This ground of rejection is met by amending claim 1 so that it clearly recites the structure of the invention without making reference to any mounting on one side of both frames.

Applicant notes that the Office has not responded to claims 35 and 36 which were new claims introduced by Amendment A and are now indicated as being "previously presented." Said claims recite the invention in a simple, straightforward form and are in condition for allowance.

Claim Objections

Claims 4-10 and 20-22 stand objected to because of the following informalities:

In claim 4, there is a lack of antecedent basis for the polarities of the magnetic means. This ground of objection is met by amending claim 4 by introducing the magnetic means with an indefinite article instead of a definite article.

In claim 5, there is a lack of antecedent basis for the magnetic means. As currently amended, claim 1 recites first and second magnetic means, thereby providing antecedent basis for said terms as recited in claim 5, currently amended.

In claims 20-21, there is a lack of antecedent basis for the magnetic means. As currently amended, claim 1 recites first and second magnetic means, thereby providing antecedent basis for said terms as recited in claims 20-21, currently amended.

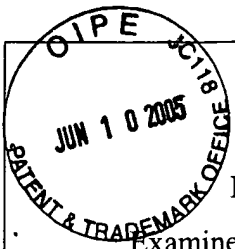
In claim 23 (*sic*: claim 22), there is lack of antecedent basis for the bodies of the magnets. As currently amended, it is recited that screwthreads are formed in the magnets in keeping with conventional claim terminology, there being no reason to introduce a magnet body in which said screwthreads are formed.

Applicant did not intend to cancel the magnetic means from claim 1. Applicant gratefully acknowledges the Office's entry of a second Office action that is not a final action.

New claims 35 and 36 recite Applicant's contribution in clear and concise terms and such claims are allowable over all references of record.

Conclusion

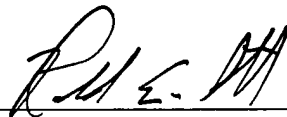
Applicant agrees that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.



If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,
SMITH & HOPEN

Dated: June 7, 2005

By: 

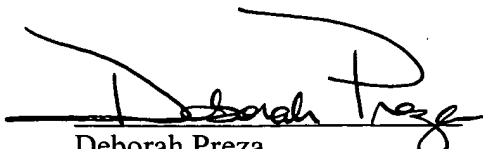
Ronald E. Smith
Suite 220
15950 Bay Vista Drive
Clearwater, FL 33760
(727) 507-8558
Attorneys for Applicant

pc: Bailey Walsh & Co.

CERTIFICATE OF MAILING
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this Amendment B, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, and Remarks, is being mailed with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 8, 2005.

Dated: June 8, 2005



Deborah Preza